

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
DENNIS L. MONTGOMERY,

Plaintiff,

v.

SIMON & SCHUSTER,

and

PRISCILLA PAINTON,

and

TINA BENNETT,

Defendants.
----- x

No. 1:15-mc-00363-P1

ECF Case

**DECLARATION OF
KEVIN H. MARINO**

KEVIN H. MARINO, of full age, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney-at-law of the State of New Jersey and a member of the law firm Marino, Tortorella & Boyle, P.C., attorneys for Non-Party Tina Bennett (“Bennett”) in this matter. I am fully familiar with the facts of this case and make this Declaration in support of Bennett’s opposition to the motion of Plaintiff, Dennis L. Montgomery (“Montgomery”), to compel her to comply with a subpoena to take her deposition via videoconference (the “Subpoena”), and in support of her cross-motion to quash or modify the Subpoena.

2. Attached as Exhibit A is a true and correct copy of a printout of the docket (as of November 21, 2015) in the case entitled Montgomery v. Risen, et al., case no. 1:15-cv-20782-JEM, pending in the United States District Court for the Southern District of Florida.

3. Attached as Exhibit B is a true and correct copy a December 18, 2013 article entitled “With IMG Deal, WME Surpasses CAA in Size — But at What Cost?,” from www.thewrap.com.

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct.

Dated: November 23, 2015

/s/ Kevin H. Marino
Kevin H. Marino
MARINO, TORTORELLA & BOYLE, P.C.
437 Southern Boulevard
Chatham, New Jersey 07928-1488
(973) 824-9300
Attorneys for Non-Party Tina Bennett

A

JG,MEDREQ,REF_DISCOV

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:15-cv-20782-JEM**

Montgomery v. Risen et al
Assigned to: Judge Jose E. Martinez
Referred to: Magistrate Judge Jonathan Goodman
Cause: 28:1332 Diversity

Date Filed: 02/24/2015
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff**Dennis L. Montgomery**

represented by **Larry Elliot Klayman**
Klayman Law Firm
2520 Coral Way
Suite 2027
Miami, FL 33145
3105950800
Fax: 3102753276
Email: leklayman@gmail.com
ATTORNEY TO BE NOTICED

V.

Defendant**James Risen**

represented by **Laura R. Handman**
Davis Wright & Tremaine
1919 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20006
202-973-4200
Email: laurahandman@dwt.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Micah J. Ratner
Davis, Wright Tremaine, LLP
1919 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20006-3401
202-973-4200
Email: micahratner@dwt.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sanford Lewis Bohrer
Holland & Knight
701 Brickell Avenue
Suite 3000
Miami, FL 33131
305-789-7678
Fax: 305-679-6335
Email: sbohrer@hklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian W. Toth
Holland & Knight
701 Brickell Avenue
Suite 3000
Miami, FL 33131
305-374-8500
Email: brian.toth@hklaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

**Houghton Mifflin Harcourt
Publishing Company**

represented by **Laura R. Handman**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Micah J. Ratner
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sanford Lewis Bohrer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian W. Toth
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

HMH Holdings, Inc.

represented by **Laura R. Handman**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE

ATTORNEY TO BE NOTICED

Micah J. Ratner

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Sanford Lewis Bohrer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brian W. Toth

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/24/2015	<u>1</u>	COMPLAINT against All Defendants. Filing fees \$ 400.00 receipt number 113C-7502428, filed by DENNIS L. MONTGOMERY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s), # <u>3</u> Summon(s), # <u>4</u> Summon(s))(Klayman, Larry) (Entered: 02/24/2015)
02/24/2015	2	Judge Assignment to Judge Cecilia M. Altonaga (vjk) (Entered: 02/25/2015)
02/24/2015	<u>3</u>	Clerks Notice pursuant to 28 USC 636(c). Parties are hereby notified that the U.S. Magistrate Judge John J. O'Sullivan is available to handle any or all proceedings in this case. If agreed, parties should complete and file the attached form. (vjk) (Entered: 02/25/2015)
02/25/2015	<u>4</u>	Summons Issued as to HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (vjk) (Entered: 02/25/2015)
03/09/2015	<u>5</u>	NOTICE by DENNIS L. MONTGOMERY of <i>Waiver</i> (Klayman, Larry) (Entered: 03/09/2015)
03/09/2015	<u>6</u>	ORDER OF RECUSAL. Judge Cecilia M. Altonaga recused. Case reassigned to Judge Jose E. Martinez for all further proceedings. Signed by Judge Cecilia M. Altonaga on 3/9/2015. (tpe) (Entered: 03/09/2015)
03/17/2015	<u>7</u>	Defendant's MOTION for Extension of Time to File Response/Reply/Answer as to <u>1</u> Complaint by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Attorney Sanford Lewis Bohrer added to party HMH HOLDINGS, INC.(pty:dft), Attorney Sanford Lewis Bohrer added to party HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY(pty:dft), Attorney Sanford Lewis Bohrer added to party JAMES RISEN(pty:dft). (Bohrer, Sanford) (Entered: 03/17/2015)

03/17/2015	8	PAPERLESS ORDER granting 7 Defendants' Motion for Extension of Time to Respond to the Complaint. Defendants James Risen, Houghton Mifflin Harcourt Publishing Company, and HMH Holdings, Inc. shall have up to and including April 9, 2015 to file their response(s) to Plaintiff's Complaint. This Order shall affect no other deadlines. Signed by Judge Jose E. Martinez on 3/17/2015. (jht) (Entered: 03/17/2015)
03/24/2015	9	EMERGENCY MOTION for Status Conference by DENNIS L. MONTGOMERY. (Attachments: # 1 Exhibit 1)(Klayman, Larry) Modified text on 3/25/2015 (yha). (Entered: 03/24/2015)
03/25/2015	10	Clerks Notice to Filer re 9 MOTION for Status Conference . Emergency Document Filed Electronically ; ERROR - Emergency matters may not be filed electronically, they must be filed in the conventional paper format in the division where the judge is chambered. The Clerk contacted Chambers and corrected the docket text to indicate the document is an emergency matter. It is not necessary to refile this document but future filings must comply with the CM/ECF Administrative Procedures and Local Rules. (yha) (Entered: 03/25/2015)
03/25/2015	11	PAPERLESS ORDER granting 9 "Emergency" Plaintiff's Motion for Status Conference. While the Court grants Plaintiff Dennis Montgomery's "Emergency" motion, it must point out that Plaintiff's motion is procedurally defective for failure to comply with the local rules of this district. Local Rule 7.1(e), which governs emergency motions, requires a party filing an emergency motion to also submit the form entitled "Certification of Emergency," available on the court's website, therewith. Plaintiff's counsel did not use the required form herein. The motion, therefore, violates the Local Rule on emergency motions. Additionally, the Local Rules require conventional filing of emergency motions. Plaintiff's counsel violated that requirement as well. Notwithstanding, given the information submitted in Plaintiff's motion, the Court will schedule a status conference via separate notice. Signed by Judge Jose E. Martinez on 3/25/2015. (jht) (Entered: 03/25/2015)
03/25/2015	12	NOTICE of Hearing: Status Conference set for 4/2/2015 at 10:30 AM in Miami Division before Judge Jose E. Martinez, Re: Emergency Plaintiff's Motion for Status Conference 9 . (wh) (Entered: 03/25/2015)
03/25/2015	13	MOTION to Reset Emergency Status Conference re 12 Notice of Hearing by DENNIS L. MONTGOMERY. (Klayman, Larry) (Entered: 03/25/2015)
03/25/2015	14	SUPPLEMENT to 13 MOTION to Reset Emergency Status Conference re 12 Notice of Hearing by DENNIS L. MONTGOMERY (Klayman, Larry) (Entered: 03/25/2015)
03/30/2015	15	PAPERLESS ORDER granting 13 Plaintiff's Motion to Reset Emergency Status Conference. It is noticed that the status conference previously scheduled to take place on Thursday, April 2, 2015 at 10:30 a.m. is cancelled. The status conference is rescheduled to take place on Tuesday, April 14, 2015 at 10:30 a.m. before United States District Judge Jose E. Martinez, at the United States Courthouse, 400 N. Miami Ave., Miami, Florida 33128. Counsel shall be prepared to address the issues raised in Emergency Plaintiff's Motion for Status

		Conference [ECF No. 9], filed on March 24, 2015. This hearing shall not exceed thirty (30) minutes. The parties shall confer prior to the hearing to determine how to split the allotted time. If the parties are unable to agree on how to split the allotted time, the Court will decide how to split the allotted time. Signed by Judge Jose E. Martinez on 3/30/2015. (js01) (Entered: 03/30/2015)
03/30/2015		Set Hearings per 15 Order. Status Conference Re: Motions set for 4/14/2015 10:30 AM in Miami Division before Judge Jose E. Martinez. (asl) (Entered: 03/30/2015)
04/01/2015	16	Order Requiring Joint Scheduling Report. Signed by Judge Jose E. Martinez on 4/1/2015. (dq) (Entered: 04/01/2015)
04/07/2015	17	Unopposed MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Laura R. Handman. Filing Fee \$ 75.00. Receipt # 97839. (ksa) (Entered: 04/08/2015)
04/07/2015	18	Unopposed MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Micah J. Ratner. Filing Fee \$ 75.00. Receipt # 97840. (ksa) (Entered: 04/08/2015)
04/08/2015	19	Unopposed MOTION for Leave to File Excess Pages by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Attorney Brian W. Toth added to party HMH HOLDINGS, INC.(pty:dft), Attorney Brian W. Toth added to party HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY(pty:dft), Attorney Brian W. Toth added to party JAMES RISEN(pty:dft). (Attachments: # 1 Text of Proposed Order)(Toth, Brian) (Entered: 04/08/2015)
04/08/2015	20	PAPERLESS ORDER granting 19 Defendants' Unopposed Motion to Exceed Page Limitation for Their Response to the Complaint. Defendants James Risen, Houghton Mifflin Harcourt Publishing Company, and Houghton Mifflin Harcourt Company ("Defendants") may exceed the page limitation set forth in Local Rule 7.1(c)(2) by ten pages. Plaintiff Dennis Montgomery's memorandum of law in opposition to Defendants' response to the complaint may also exceed the page limitation set forth in Local Rule 7.1(c)(2) by ten pages. This Order shall affect no other page limitations in this matter. Signed by Judge Jose E. Martinez on 4/8/2015. (jht) (Entered: 04/08/2015)
04/09/2015	21	Consent MOTION for Extension of Time to Meet In Person to Discuss Joint Scheduling Report re 16 Order Requiring Joint Scheduling Report by DENNIS L. MONTGOMERY. Responses due by 4/27/2015 (Attachments: # 1 Text of Proposed Order)(Klayman, Larry) (Entered: 04/09/2015)
04/09/2015	22	NOTICE by DENNIS L. MONTGOMERY re 15 Order on Motion for Miscellaneous Relief,, <i>of Agreement of Allotment of Time For Status Conference of April 14, 2015</i> (Klayman, Larry) (Entered: 04/09/2015)
04/09/2015	23	PAPERLESS ORDER granting 21 Plaintiff's Consent Motion for Extension of Time to Meet in Person to Discuss Joint Scheduling Report. The parties may have an additional five (5) days, up to and including April 10, 2015, to meet in person to discuss the Joint Scheduling Report. This Order shall affect no other

		deadlines. Signed by Judge Jose E. Martinez on 4/9/2015. (jht) (Entered: 04/09/2015)
04/09/2015	24	SUPPLEMENT to 23 Order on Motion for Extension of Time, 21 Consent MOTION for Extension of Time to Meet In Person to Discuss Joint Scheduling Report re 16 Order Requiring Joint Scheduling Report by DENNIS L. MONTGOMERY (Attachments: # 1 Text of Proposed Order)(Klayman, Larry) (Entered: 04/09/2015)
04/09/2015	25	MOTION to Dismiss for Lack of Jurisdiction 1 Complaint (Responses due by 4/27/2015), MOTION TO DISMISS 1 Complaint FOR FAILURE TO STATE A CLAIM (Responses due by 4/27/2015), MOTION to Change Venue by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # 1 Decl. Handman, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15, # 17 Exhibit 16, # 18 Exhibit 17, # 19 Exhibit 18-1, # 20 Exhibit 18-2, # 21 Exhibit 18-3, # 22 Exhibit 19, # 23 Exhibit 20, # 24 Decl. Risen)(Toth, Brian) (Entered: 04/09/2015)
04/09/2015	26	MOTION to Dismiss 1 Complaint <i>Under the D.C. Anti-SLAPP Statute</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 4/27/2015 (Toth, Brian) (Entered: 04/09/2015)
04/09/2015	27	ORDER granting 18 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Jose E. Martinez on 4/9/2015. (yha) (Entered: 04/10/2015)
04/09/2015	28	ORDER granting 17 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Jose E. Martinez on 4/9/2015. (yha) (Entered: 04/10/2015)
04/13/2015	29	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re 9 MOTION for Status Conference <i>Notice of Position</i> (Toth, Brian) (Entered: 04/13/2015)
04/14/2015	30	Minute Entry for proceedings held before Judge Jose E. Martinez: Status Conference held on 4/14/2015. Court Reporter: Dawn Whitmarsh, 305-523-5598 / Dawn_Whitmarsh@flsd.uscourts.gov (wh) (Entered: 04/14/2015)
04/16/2015	31	Certificate of Interested Parties/Corporate Disclosure Statement by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN identifying Corporate Parent Houghton Mifflin Harcourt Publishers Inc. for HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY (Toth, Brian) (Entered: 04/16/2015)
04/16/2015	32	Certificate of Interested Parties by DENNIS L. MONTGOMERY (Klayman, Larry) (Entered: 04/16/2015)
04/23/2015	33	NOTICE by DENNIS L. MONTGOMERY <i>Praecipe Concerning Initial Disclosures</i> (Klayman, Larry) (Entered: 04/23/2015)

04/23/2015	34	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re 33 Notice (Other) (Attachments: # 1 Exhibit A) (Toth, Brian) (Entered: 04/23/2015)
04/23/2015	35	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN <i>of Serving Declaration of Michael F. Kane</i> (Attachments: # 1 Exhibit A -- Decl. Kane) (Toth, Brian) (Entered: 04/23/2015)
04/24/2015	36	TRANSCRIPT of status conference held on 4-14-2015 before Judge Jose E. Martinez, 1-21 pages, Court Reporter: Dawn Whitmarsh, 305-523-5598 / Dawn_Whitmarsh@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/18/2015. Redacted Transcript Deadline set for 5/29/2015. Release of Transcript Restriction set for 7/27/2015. (dwh) (Entered: 04/24/2015)
04/24/2015	37	Notice of Supplemental Authority re 26 MOTION to Dismiss 1 Complaint <i>Under the D.C. Anti-SLAPP Statute</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN (Attachments: # 1 Exhibit 1 -- Abbas v. Foreign Policy Grp., LLC No. 13-7171 (D.C. Cir. Apr. 24, 2015)) (Toth, Brian) (Entered: 04/24/2015)
04/27/2015	38	MOTION to Amend/Correct 1 Complaint by DENNIS L. MONTGOMERY. Responses due by 5/14/2015 (Attachments: # 1 Exhibit Amended Complaint, # 2 Text of Proposed Order)(Klayman, Larry) (Entered: 04/27/2015)
04/27/2015	39	RESPONSE in Opposition re 26 MOTION to Dismiss 1 Complaint <i>Under the D.C. Anti-SLAPP Statute</i> filed by DENNIS L. MONTGOMERY. Replies due by 5/7/2015. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Klayman, Larry) (Entered: 04/27/2015)
04/27/2015	40	RESPONSE in Opposition re 25 MOTION to Dismiss for Lack of Jurisdiction 1 Complaint MOTION TO DISMISS 1 Complaint FOR FAILURE TO STATE A CLAIM MOTION to Change Venue filed by DENNIS L. MONTGOMERY. Replies due by 5/7/2015. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L) (Klayman, Larry) (Entered: 04/27/2015)
04/28/2015	41	PAPERLESS ORDER granting 38 Motion to Amend the Complaint. Plaintiff Dennis Montgomery shall re-file his Amended Complaint as a separate docket entry on or before April 30, 2015. Signed by Judge Jose E. Martinez on 4/28/2015. (jht) (Entered: 04/28/2015)
04/28/2015	42	PAPERLESS ORDER denying as moot 25 Motion to Dismiss for Lack of Jurisdiction; denying as moot 25 Motion to Dismiss for Failure to State a Claim; denying as moot 25 Motion to Change Venue. Signed by Judge Jose E. Martinez on 4/28/2015. (jht) (Entered: 04/28/2015)
04/28/2015	43	PAPERLESS ORDER denying as moot 26 Motion to Dismiss. Signed by Judge Jose E. Martinez on 4/28/2015. (jht) (Entered: 04/28/2015)

04/28/2015		Set Deadlines per 41 Order. Amended Pleadings due by 4/30/2015. (asl) (Entered: 04/28/2015)
04/28/2015	44	AMENDED COMPLAINT against All Defendants filed in response to Order Granting Motion for Leave, filed by DENNIS L. MONTGOMERY.(Klayman, Larry) (Entered: 04/28/2015)
04/28/2015	45	MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> by DENNIS L. MONTGOMERY. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Text of Proposed Order)(Klayman, Larry) (Entered: 04/28/2015)
04/29/2015	46	ORDER REFERRING 45 MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> filed by DENNIS L. MONTGOMERY Motions referred to Judge Jonathan Goodman Signed by Judge Jose E. Martinez on 4/29/2015. (yha) (Entered: 04/30/2015)
05/01/2015	47	SCHEDULING REPORT - Rule 16.1 by DENNIS L. MONTGOMERY (Attachments: # 1 Exhibit Attachment A, # 2 Exhibit Attachment D)(Klayman, Larry) (Entered: 05/01/2015)
05/05/2015	48	ORDER SETTING CIVIL TRIAL DATE AND PRETRIAL SCHEDULE,REQUIRING MEDIATION, REFERRING CERTAIN MOTIONS TO MAGISTRATE JUDGE: Amended Pleadings due by 7/23/2015., Discovery due by 9/16/2015., Expert Discovery due by 9/16/2015., Joinder of Parties due by 7/23/2015., Mediation Deadline 9/11/2015., Dispositive Motions due by 9/21/2015., In Limine Motions due by 11/2/2015., Pretrial Stipulation due by 11/10/2015., Calendar Call set for 11/25/2015 at 1:30 PM in Miami Division before Judge Jose E. Martinez., Trial set for 11/30/2015 in Miami Division before Judge Jose E. Martinez Signed by Judge Jose E. Martinez on 5/4/2015. (ail) (Entered: 05/05/2015)
05/08/2015	49	Unopposed MOTION for Leave to File Excess Pages <i>to Respond to the Amended Complaint</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # 1 Text of Proposed Order)(Toth, Brian) (Entered: 05/08/2015)
05/08/2015	50	PAPERLESS ORDER granting 49 Defendants' Unopposed Motion to Exceed Page Limitation for Their Response to the Amended Complaint. Defendants James Risen, Houghton Mifflin Harcourt Publishing Company, and Houghton Mifflin Harcourt Company may exceed the page limitation by 20 pages for their response to the amended complaint. In accordance with SDFL Local Rule (c)(2), title pages preceding the first page of text, signature pages, certificates of good faith conferences, and certificates of service shall not be counted as pages toward the 40-page limit. Signed by Judge Jose E. Martinez on 5/8/2015. (jht) (Entered: 05/08/2015)
05/15/2015	51	RESPONSE in Opposition re 45 MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Replies due by

		5/26/2015. (Attachments: # 1 Exhibit A -- Defs.' Initial Disclosures)(Toth, Brian) (Entered: 05/15/2015)
05/15/2015	52	MOTION to Dismiss for Lack of Jurisdiction 44 Amended Complaint , MOTION to Change Venue (Responses due by 6/1/2015), MOTION TO DISMISS 44 Amended Complaint FOR FAILURE TO STATE A CLAIM (Responses due by 6/1/2015) by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # 1 Decl. James Risen, # 2 Decl. Laura Handman, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9, # 12 Exhibit 10, # 13 Exhibit 11, # 14 Exhibit 12, # 15 Exhibit 13, # 16 Exhibit 14, # 17 Exhibit 15, # 18 Exhibit 16 (1 of 2), # 19 Exhibit 16 (2 of 2), # 20 Exhibit 17, # 21 Exhibit 18, # 22 Exhibit 19, # 23 Exhibit 20, # 24 Exhibit 21, # 25 Exhibit 22, # 26 Exhibit 23, # 27 Exhibit 24, # 28 Exhibit 25, # 29 Exhibit 26, # 30 Exhibit 27)(Toth, Brian) (Entered: 05/15/2015)
05/15/2015	53	Renewed MOTION to Dismiss 44 Amended Complaint <i>Under the Applicable Anti-SLAPP Statute</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 6/1/2015 (Toth, Brian) (Entered: 05/15/2015)
05/19/2015	54	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN <i>Regarding Exhibit 18 to the Declaration of Laura Handman. ECF No. 52-2.</i> (Toth, Brian) (Entered: 05/19/2015)
05/19/2015	55	MOTION to Stay <i>Discovery Pending Resolution of Their Motions to Dismiss</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 6/5/2015 (Toth, Brian) (Entered: 05/19/2015)
05/20/2015	56	MOTION for Hearing re 45 MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> , 46 Order Referring Motion, by DENNIS L. MONTGOMERY. (Attachments: # 1 Text of Proposed Order)(Klayman, Larry) (Entered: 05/20/2015)
05/21/2015	57	ENDORSED ORDER granting 56 Plaintiff's Motion for Hearing re 45 Motion for Order to Show Cause. A Telephonic Hearing re the 45 Motion for Order to Show Cause is set for 5/27/2015 at 02:00 PM in the Miami Division before Magistrate Judge Jonathan Goodman. The parties shall abide by the following call-in procedure: Plaintiff's counsel will arrange and place the call in to Chambers at 305-523-5720 with all other counsel already on the line shortly before the hearing time. No cellular telephone use is permitted. Signed by Magistrate Judge Jonathan Goodman on 5/21/2015. (tr00) (Entered: 05/21/2015)
05/26/2015	58	

		REPLY to Response to Motion re 45 MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> filed by DENNIS L. MONTGOMERY. (Attachments: # 1 Exhibit 1)(Klayman, Larry) (Entered: 05/26/2015)
05/27/2015	59	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Miscellaneous Hearing held on 5/27/2015. (Digital 14:03:16.) (mso) (Entered: 05/27/2015)
05/28/2015	60	ORDER on 45 Plaintiff's Motion for Order to "Show Cause." Signed by Magistrate Judge Jonathan Goodman on 5/28/2015. (tr00) (Entered: 05/28/2015)
06/01/2015	61	WITHDRAWAL of Motion by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re 53 Renewed MOTION to Dismiss 44 Amended Complaint <i>Under the Applicable Anti-SLAPP Statute</i> filed by HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN, HMH HOLDINGS, INC. (Attachments: # 1 Exhibit 1 -- Davis v. Cox)(Toth, Brian) (Entered: 06/01/2015)
06/01/2015	62	MOTION for Leave to File Excess Pages by DENNIS L. MONTGOMERY. (Attachments: # 1 Text of Proposed Order)(Klayman, Larry) (Entered: 06/01/2015)
06/01/2015	63	RESPONSE in Opposition re 52 MOTION to Dismiss for Lack of Jurisdiction 44 Amended Complaint MOTION to Change Venue MOTION TO DISMISS 44 Amended Complaint FOR FAILURE TO STATE A CLAIM filed by DENNIS L. MONTGOMERY. Replies due by 6/11/2015. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O) (Klayman, Larry) (Entered: 06/01/2015)
06/02/2015	64	PAPERLESS ORDER granting 62 Consent Motion for Leave to Exceed Page Limit. Plaintiff Dennis Montgomery's response to Defendants' Motion to Dismiss [ECF No. 52] may extend beyond the 20-page limit imposed by local rules by an additional ten (10) pages, for a total of 30 pages. Signed by Judge Jose E. Martinez on 6/2/2015. (jht) (Entered: 06/02/2015)
06/03/2015	65	STRICKEN MOTION To Set Deposition Of Defendant James Risen For Week Of June 8, 2015 And Request For Telephonic Conference With The Magistrate Judge At Earliest Practicable Date And Time Prior To Week Of June 8, 2015 by DENNIS L. MONTGOMERY. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Text of Proposed Order)(Klayman, Larry) Modified to strike per 66 Order on 6/4/2015 (asl). (Entered: 06/03/2015)
06/03/2015	66	ENDORSED ORDER striking 65 Plaintiff's Motion to Set Deposition of Defendant Risen for week of June 8. The motion violates the discovery procedures ordered in this case. [ECF No. 48]. Signed by Magistrate Judge Jonathan Goodman on 6/3/2015. (JG) (Entered: 06/03/2015)
06/04/2015	67	

		TRANSCRIPT of Motion to Show Cause held on 5-27-2015 before Magistrate Judge Jonathan Goodman, 1-42 pages, Court Reporter: Gizella Baan-Proulx, 305-523-5294 / Gizella Baan-Proulx@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/29/2015. Redacted Transcript Deadline set for 7/9/2015. Release of Transcript Restriction set for 9/8/2015. (gbx) (Entered: 06/04/2015)
06/04/2015	68	RESPONSE to Motion re 55 MOTION to Stay <i>Discovery Pending Resolution of Their Motions to Dismiss</i> filed by DENNIS L. MONTGOMERY. Replies due by 6/15/2015. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Klayman, Larry) (Entered: 06/04/2015)
06/04/2015	69	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 6/5/2015 05:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Klayman, Larry) (Entered: 06/04/2015)
06/04/2015	70	ENDORSED ORDER re 69 Notice of Hearing by Attorney filed by DENNIS L. MONTGOMERY. Although the hearing is noticed as a telephone hearing, any party or their counsel is free to appear in person, <i>regardless</i> of whether opposing counsel participates by telephone or is also here in person. Signed by Magistrate Judge Jonathan Goodman on 6/4/2015. (JG) (Entered: 06/04/2015)
06/04/2015	71	ENDORSED ORDER re 69 Discovery Hearing scheduled for 6/5/2015 at 5:30 PM. As noted in the previous 70 Order, any counsel is free to appear in person for the hearing; however, for counsel appearing telephonically, the following call-in instructions apply: Counsel shall contact the Court at 5:25 PM by: 1. Dialing 1-888-684-8852; 2. Entering Access Code Number 8004594, followed by the # sign; and 3. Entering Security Code Number 1213, followed by the # sign. No cellular telephone use is permitted. Signed by Magistrate Judge Jonathan Goodman on 6/4/2015. (tr00) (Entered: 06/04/2015)
06/05/2015	72	PAPERLESS MINUTE ENTRY for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 6/5/2015. Appearances: Larry Klayman, Esq; Laura R. Handman, Esq; Micah Ratner, Esq. Order to Follow. (Digital 18:00:45.) (mno) (Entered: 06/05/2015)
06/08/2015	73	Unopposed MOTION for Leave to File Excess Pages <i>for Reply in Support of Motion to Dismiss or Transfer</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # 1 Text of Proposed Order)(Toth, Brian) (Entered: 06/08/2015)
06/08/2015	74	POST DISCOVERY HEARING ORDER re June 5, 2015 Hearing. Signed by Magistrate Judge Jonathan Goodman on 6/8/2015. (tr00) (Entered: 06/08/2015)
06/09/2015	75	PAPERLESS ORDER granting 73 Defendants' Unopposed Motion for Leave to Exceed Page Limit for their Reply in Support of their Motion to Dismiss or Transfer. Defendants James Risen, Houghton Mifflin Harcourt Publishing company, and Houghton Mifflin Harcourt Company may exceed the page limitation for their upcoming reply memorandum in support of their Motion to

		Dismiss or Transfer [ECF No. 52] by ten (10) pages. Signed by Judge Jose E. Martinez on 6/9/2015. (jht) (Entered: 06/09/2015)
06/10/2015	76	REPLY to Response to Motion re 55 MOTION to Stay <i>Discovery Pending Resolution of Their Motions to Dismiss</i> filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 06/10/2015)
06/11/2015	77	REPLY to Response to Motion re 52 MOTION to Dismiss for Lack of Jurisdiction 44 Amended Complaint MOTION to Change Venue MOTION TO DISMISS 44 Amended Complaint FOR FAILURE TO STATE A CLAIM filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 06/11/2015)
06/15/2015	78	TRANSCRIPT of discovery hearing held on 6-5-2015 before Magistrate Judge Jonathan Goodman, 1-19 pages, Court Reporter: Dawn Whitmarsh, 305-523-5598 / Dawn_Whitmarsh@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/9/2015. Redacted Transcript Deadline set for 7/20/2015. Release of Transcript Restriction set for 9/17/2015. (dwh) (Entered: 06/15/2015)
06/30/2015	79	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 7/10/2015 03:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Attachments: # 1 Exhibit A -- Proposed Protective Order) (Toth, Brian) (Entered: 06/30/2015)
06/30/2015	80	<p>ORDER re 79 Notice of Hearing by Attorney filed by HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN, HMH HOLDINGS, INC.</p> <p>Defendants have noticed a discovery hearing for July 10, 2015, and they described the dispute as whether a proposed protective order should be entered. The certificate of conferral reveals that Plaintiff does not agree.</p> <p>This is an atypical discovery hearing concerning protective orders similar to the proposed one which Defendants attached to their notice. Usually, the parties <i>stipulate</i> to the entry of a protective order concerning confidentiality of information and documents obtained in discovery. In some instances, the parties agree in general on the concept of a protective order but might disagree as to one or two (of many) provisions. But this dispute appears to be one where some parties (i.e., the Defendants) want a protective order but the other side (i.e., the Plaintiff) does not. This is unusual, and it may well be the first time in five years that the Undersigned has been confronted with this scenario (assuming that Plaintiff opposes any type of protective order).</p> <p>Given the nature of the underlying lawsuit and the media status of the Defendants, the Court would like to review memoranda of law <u>before</u> the hearing. Therefore, Plaintiff and Defendants shall each (by July 8, 2015) file a memorandum of law, not to exceed five double-spaced pages (excluding</p>

		signature block and certificate of service), on the relevant legal issues underlying each side's position. The Undersigned will not consider any case law or other authority not mentioned in the pre-hearing memoranda. The Undersigned anticipates that the memoranda will help avoid any undue delay in issuing a ruling. Signed by Magistrate Judge Jonathan Goodman on 6/30/2015. (JG) (Entered: 06/30/2015)
07/06/2015	81	PAPERLESS PRETRIAL ORDER - FILED IN WRONG CASE. (mg00) Removed text Order on 7/6/2015 due to an error made by another Judges chamber, filed in the wrong case and signed by the wrong Judge. See DE 82 for details. (mf). (Entered: 07/06/2015)
07/06/2015	82	Clerks Notice of Docket Correction re 81 Paperless Pretrial Order. Docket entry Filed in Wrong Case ; Docket text modified and Pretrial Order refiled in correct case. (mf) (Entered: 07/06/2015)
07/08/2015	83	MEMORANDUM of Law re 80 Order,,,,,, by DENNIS L. MONTGOMERY. (Attachments: # 1 Exhibit 1)(Klayman, Larry) (Entered: 07/08/2015)
07/08/2015	84	MEMORANDUM in Support re 80 Order,,,,,, by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Toth, Brian) (Entered: 07/08/2015)
07/09/2015	85	Joint MOTION for Leave to Appear <i>Telephonically at the Hearing Scheduled before Judge Goodman on July 10, 2015, at 3:30 p.m.</i> . Attorney: <i>Larry E. Klayman and Laura R. Handman</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 7/27/2015 (Attachments: # 1 Text of Proposed Order)(Toth, Brian) (Entered: 07/09/2015)
07/09/2015	86	ENDORSED ORDER granting the Joint 85 Motion for Leave to Appear Telephonically, but doing so reluctantly , because of the Court's experience with other telephone hearings in this case. The attorneys participating by phone shall remember to make sure not to interrupt anyone before speaking and to pause for a second or two before speaking, in order to make sure that his or her comments are not interrupting the current speaker. If the telephone hearing turns out to be one filled with interruptions, then the Undersigned will not permit any further telephone hearings in this case absent compelling circumstances bordering on a genuine emergency. Counsel's status as an out-of-town attorney or as someone currently on travel will not be deemed to be compelling. Furthermore, counsel are encouraged to not wait until the afternoon before the hearing to file this type of motion. The hearing was scheduled on June 30, 2015, and counsel surely knew their own schedules before this afternoon. Nonetheless, the parties shall abide the following call-in procedure: Counsel shall contact the Court shortly before the Hearing by: 1. Dialing 1-888-684-8852; 2. Entering Access Code Number 8004594, followed by the # sign; and 3. Entering Security Code Number 1213 followed by the # sign. No cellular

		telephone use is permitted. Signed by Magistrate Judge Jonathan Goodman (tr00) (Entered: 07/09/2015)
07/10/2015	87	SUPPLEMENT to 83 Memorandum by DENNIS L. MONTGOMERY (Attachments: # 1 Exhibit 1)(Klayman, Larry) (Entered: 07/10/2015)
07/10/2015	88	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 7/10/2015. (Digital 15:39:20.) (mso) (Entered: 07/10/2015)
07/13/2015	89	PROTECTIVE ORDER CONCERNING CONFIDENTIAL INFORMATION. Signed by Magistrate Judge Jonathan Goodman on 7/13/2015. (tr00) (Entered: 07/13/2015)
07/20/2015	90	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 8/7/2015 03:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Attachments: # 1 Exhibit A -- Defs.' Discovery Requests, # 2 Exhibit B -- Pl.'s Written Responses (Redacted)) (Toth, Brian) (Entered: 07/20/2015)
07/20/2015	91	<p>ENDORSED ORDER re 90 Notice of Hearing by Attorney, filed by HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN, HMH HOLDINGS, INC.</p> <p>In their notice of hearing, Defendants suggest that the Court would benefit from reviewing pre-hearing memoranda not to exceed five pages on the "principal points of contention and uncommon legal issues." Although the Undersigned will grant this request and require pre-hearing memoranda, the Defendants' request does not sufficiently pinpoint the legal issues, especially the generic "uncommon legal issues" which they anticipate will be discussed in the memoranda.</p> <p>Therefore, Defendants shall by July 22, 2014, file a notice specifically listing the precise legal issues which they believe should be addressed in the memoranda. If Plaintiff has any additional issues which he believes would be helpful to the Court at the August 7, 2015 discovery hearing, then he may file his own list of supplemental issues by July 24, 2014. The parties shall file their respective memoranda on the listed issues by August 4, 2015.</p> <p>A final point:</p> <p>Obviously, a five-page memorandum will not be sufficient to adequately address more than a few specifically designated issues. Because the Undersigned is not sufficiently familiar with the nuances of the present discovery dispute, I am reluctant to provide a cap on the number of issues. However, the Undersigned expects the parties to be reasonable and responsible and not list too many issues for a 5-page memorandum. If the list (or lists, assuming that Plaintiff also files one) contains too many issues, then the Court will not review either memo. Signed by Magistrate Judge Jonathan Goodman on 7/20/2015. (JG) (Entered: 07/20/2015)</p>
07/22/2015	92	

		NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re 91 Order,,,,,, of <i>Legal Issues to Address in Pre-Hearing Memorandum</i> (Toth, Brian) (Entered: 07/22/2015)
07/24/2015	93	Notice of Supplemental Authority re 55 MOTION to Stay <i>Discovery Pending Resolution of Their Motions to Dismiss</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN (Attachments: # 1 Supplement Order Granting Motion to Stay) (Toth, Brian) (Entered: 07/24/2015)
08/04/2015	94	MEMORANDUM of Law re 91 Order,,,,,, by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11)(Toth, Brian) (Entered: 08/04/2015)
08/04/2015	95	Consent MOTION To Appear Telephonically at Hearing of August 7, 2015 re 91 Order,,,,,, by DENNIS L. MONTGOMERY. (Attachments: # 1 Text of Proposed Order)(Klayman, Larry) (Entered: 08/04/2015)
08/04/2015	96	MEMORANDUM of Law re 91 Order,,,,,, by DENNIS L. MONTGOMERY. (Attachments: # 1 Exhibit 1)(Klayman, Larry) (Entered: 08/04/2015)
08/05/2015	97	ENDORSED ORDER continuing Discovery Hearing [ECF No. 90]. Due to an urgent medical matter, the Undersigned must continue the discovery hearing scheduled for 8/7/2015 at 3:30 PM. The hearing will be rescheduled at a later date after the Undersigned's chambers confers with the parties about future availability. Signed by Magistrate Judge Jonathan Goodman on 8/5/2015. (tr00) (Entered: 08/05/2015)
08/05/2015	98	ENDORSED ORDER denying as moot the Consent 95 Motion to Appear Telephonically at the Discovery Hearing on 8/7/2015. Signed by Magistrate Judge Jonathan Goodman on 8/5/2015. (tr00) (Entered: 08/05/2015)
08/10/2015	99	ENDORSED ORDER rescheduling 90 Discovery Hearing originally scheduled for 8/7/2015. The hearing shall now be held on 8/27/2015 at 03:00 PM in the Miami Division before Magistrate Judge Jonathan Goodman. If the parties seek to have additional discovery issues heard (on top of those previously noticed in ECF No. 90 , and briefed thereafter [See ECF Nos. 91 ; 92 ; 94 ; 96]) at this hearing, they shall follow the 48 discovery procedures order by conferring with opposing counsel, and if the matter is at an impasse, filing a supplemental Notice of Hearing with the Court that officially notices those matters to also be heard at the 8/27/2015 Discovery Hearing. Signed by Magistrate Judge Jonathan Goodman on 8/10/2015. (tr00) (Entered: 08/10/2015)
08/14/2015	100	MOTION to Modify Scheduling Order and Request for Hearing for August 17 or August 18 re 48 Order, Order Referring Case to Mediation, Set/Reset Deadlines/Hearings, Order Referring Case to Judge,,,,,, by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Toth, Brian) (Entered: 08/14/2015)
08/14/2015	101	

		ENDORSED ORDER rescheduling Discovery Hearing from 8/27/2015 at 03:00 PM to 8/21/2015 03:30 PM in the Miami Division before Magistrate Judge Jonathan Goodman. Due to internal scheduling issues, the Court must reschedule this Discovery Hearing to Friday, August 21, 2015 at 3:30 PM. Signed by Magistrate Judge Jonathan Goodman on 8/14/2015. (tr00) (Entered: 08/14/2015)
08/14/2015	102	RESPONSE to Motion re 100 MOTION to Modify Scheduling Order and Request for Hearing for August 17 or August 18 re 48 Order, Order Referring Case to Mediation, Set/Reset Deadlines/Hearings, Order Referring Case to Judge,,,,,,,,, filed by DENNIS L. MONTGOMERY. Replies due by 8/24/2015. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Klayman, Larry) (Entered: 08/14/2015)
08/17/2015	103	Notice of Supplemental Authority re 94 Memorandum, by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN (Attachments: # 1 Exhibit 1 -- Pl.'s Emergency Mot. Stay Pending Appeal, # 2 Exhibit 2 -- Nev. D. Ct. Transcript) (Toth, Brian) (Entered: 08/17/2015)
08/17/2015	104	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 8/21/2015 03:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Klayman, Larry) (Entered: 08/17/2015)
08/21/2015	105	RESPONSE to Motion re 100 MOTION to Modify Scheduling Order and Request for Hearing for August 17 or August 18 re 48 Order, Order Referring Case to Mediation, Set/Reset Deadlines/Hearings, Order Referring Case to Judge,,,,,,,,, filed by DENNIS L. MONTGOMERY. Replies due by 8/31/2015. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Klayman, Larry) (Entered: 08/21/2015)
08/21/2015	106	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 8/21/2015. Parties present: Plaintiff's attorney Larry E. Klayman and Defendant's attorneys Laura R. Handman and Brian W. Toth. (Digital 15:25:26.) (mso) (Entered: 08/21/2015)
08/22/2015	107	POST-DISCOVERY HEARING ORDER re Discovery Hearing on 8/21/2015. Signed by Magistrate Judge Jonathan Goodman on 8/22/2015. (tr00) (Entered: 08/22/2015)
08/26/2015	108	NOTICE by DENNIS L. MONTGOMERY re 107 Order of Filing (Attachments: # 1 Exhibit 1) (Klayman, Larry) (Entered: 08/26/2015)
08/27/2015	109	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re 107 Order of Filing Declaration of James Risen (Attachments: # 1 Exhibit 1 -- Decl. James Risen) (Toth, Brian) (Entered: 08/27/2015)
08/28/2015	110	TRANSCRIPT of Discovery Hearing held on 8/21/2015 before Magistrate Judge Jonathan Goodman, 1-98 pages, Court Reporter: Bonnie Joy Lewis, R.P.R., 954-985-8875. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through

		PACER. Redaction Request due 9/21/2015. Redacted Transcript Deadline set for 10/1/2015. Release of Transcript Restriction set for 11/30/2015. (amb) (Additional attachment(s) added on 8/28/2015: # 1 Designation Access Form) (amb). (Entered: 08/28/2015)
08/31/2015	111	REPLY in Support re 100 MOTION to Modify Scheduling Order and Request for Hearing for August 17 or August 18 re 48 Order, Order Referring Case to Mediation, Set/Reset Deadlines/Hearings, Order Referring Case to Judge,,,,,,,,, filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # 1 Exhibit A -- August 21 Hr'g Tr., # 2 Exhibit B -- August 19 Tr.)(Toth, Brian) Modified title text on 9/1/2015 (asl). (Entered: 08/31/2015)
08/31/2015	112	MOTION to Stay Implementation Of Paragraph 5 Of Magistrates Order Of August 22, 2015 re 107 Order by DENNIS L. MONTGOMERY. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Text of Proposed Order) (Klayman, Larry) Modified relief on 9/1/2015 (asl). (Entered: 08/31/2015)
09/01/2015	113	ENDORSED ORDER re 112 Plaintiff's Motion to Stay Implementation of Paragraph 5 of Court's 107 Order. Defendants shall, by 9/3/2015 at 12:00 PM, file a response of no more than two double-spaced pages, excluding signature block and certificate of service. No reply permitted absent further Court Order. Signed by Magistrate Judge Jonathan Goodman on 9/1/2015. (tr00) (Entered: 09/01/2015)
09/01/2015	114	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 9/11/2015 05:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Toth, Brian) (Entered: 09/01/2015)
09/01/2015	115	MOTION for Leave to File <i>Surreply</i> by DENNIS L. MONTGOMERY. (Attachments: # 1 Text of Proposed Order)(Klayman, Larry) (Entered: 09/01/2015)
09/02/2015	116	PAPERLESS ORDER denying 115 Motion for Leave to File Surreply and Other Related Materials. Signed by Judge Jose E. Martinez on 9/2/2015. (jht) (Entered: 09/02/2015)
09/02/2015	117	UNOPPOSED MOTION to Seal by James Risen, et al (nc) (Entered: 09/02/2015)
09/02/2015	118	NOTICE of Supplemental Authority Concerning Defendants' Motion to Dismiss or Transfer by James Risen, et al (Attachments: # 1 Exhibit 1)(nc) Modified by Unsealing Document per 148 Order on 10/14/2015 (nc). (Entered: 09/02/2015)
09/02/2015	119	Notice of Supplemental Authority re 52 MOTION to Dismiss for Lack of Jurisdiction 44 Amended Complaint MOTION to Change Venue MOTION TO DISMISS 44 Amended Complaint FOR FAILURE TO STATE A CLAIM by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN (Attachments: # 1 Exhibit 1 -- Filed Under Seal, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9) (Toth, Brian) (Entered: 09/02/2015)

09/02/2015	120	MOTION for Hearing (<i>Expedited</i>) Before Judge Martinez by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 09/02/2015)
09/03/2015	121	RESPONSE in Opposition re 112 Motion to Stay filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Replies due by 9/14/2015. (Toth, Brian) (Entered: 09/03/2015)
09/03/2015	122	ORDER denying Plaintiff's 112 Motion to Stay One Paragraph of a Discovery Order. Signed by Magistrate Judge Jonathan Goodman on 9/3/2015. (tr00) (Entered: 09/03/2015)
09/04/2015	123	UPDATED DISCOVERY PROCEDURES ORDER. From this point forward, the parties shall follow the attached updated discovery procedures. Signed by Magistrate Judge Jonathan Goodman on 9/4/2015. (tr00) (Entered: 09/04/2015)
09/04/2015	124	ORDER Granting 117 Unopposed Motion to Seal. Signed by Judge Jose E. Martinez on 9/4/2015. (See Order for full details) (nc) (Entered: 09/04/2015)
09/04/2015	125	RESPONSE/REPLY to 107 Order <i>Objection to Portions of Magistrate Judge's Order of August 22, 2015</i> by DENNIS L. MONTGOMERY. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Klayman, Larry) (Entered: 09/04/2015)
09/09/2015	126	Letter from FBI General Counsel. The Undersigned's e-file inbox was copied on this Letter from FBI General Counsel James Baker to defense counsel Larry Klayman that was sent in response to a letter that the Undersigned 107 Ordered Defendant send to the FBI. Attachment #1 is the email to which the PDF of the letter was attached. (Attachments: # 1 Email containing letter) (tr00) (Entered: 09/09/2015)
09/09/2015	127	NOTICE by DENNIS L. MONTGOMERY re 126 Letter, <i>of Filing of Declarations</i> (Klayman, Larry) (Entered: 09/09/2015)
09/09/2015	128	Joint MOTION for Leave to Appear <i>Telephonically at the Hearing Scheduled before Judge Goodman on September 11, 2015, at 5:30 p.m.</i> . Attorney: Larry E. Klayman and Laura R. Handman by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 9/28/2015 (Attachments: # 1 Text of Proposed Order)(Toth, Brian) (Entered: 09/09/2015)
09/10/2015	129	ENDORSED ORDER granting 128 Motion for Leave to Appear Telephonically at the Discovery Hearing -- but with a caveat. Counsel for both Plaintiff and Defendants have at times interrupted each other and the Undersigned during hearings. The negative consequences arising from mid-hearing interruptions are magnified during a telephone hearing because of the brief built-in audio delay. The likelihood of interruptions is increased when counsel are participating by telephone. Therefore, counsel are encouraged to speak slowly and to wait before speaking, to make sure that opposing counsel and/or the Court have finished speaking. If counsel are unable to do this, whether by design or an inability to control themselves, then counsel will lose the privilege of attending a hearing in this case by telephone, the hearing will

		be adjourned and will be rescheduled as an in-person hearing and all future hearings before the Undersigned in this case will be in-person hearings. Signed by Magistrate Judge Jonathan Goodman on 9/10/2015. (tr00) (Entered: 09/10/2015)
09/10/2015	130	PAPERLESS ORDER denying 55 Defendants' Motion to Stay Discovery Pending Resolution of Their Motions to Dismiss. Signed by Judge Jose E. Martinez on 9/10/2015. (jht) (Entered: 09/10/2015)
09/10/2015	131	PAPERLESS ORDER granting in part and denying in part 100 Defendants' Motion to Modify Scheduling Order and Request for Hearing for August 17 or August 18 as set forth herein. Defendants' motion is DENIED AS MOOT in that the Court did not scheduling a hearing for August 17 or August 18. The motion is GRANTED in that the Court's Order Setting Civil Trial Date and Pretrial Schedule, Requiring Mediation, and Referring Certain Motions to Magistrate Judge [ECF No. 48] (the "Scheduling Order") shall be modified as follows. The previous trial and calendar call dates are CANCELLED. Trial is RESCHEDULED to commence during the two-week period beginning Monday, March 21, 2016 before Jose E. Martinez, United States District Judge, 400 N. Miami Ave., Suite 10-1, Miami, Florida 33128. Calendar Call will be held on Thursday, March 17, 2016 at 1:30 p.m. at the same location. All motions for an enlargement of time for discovery and relating to dispositive motions must include a statement as to whether the requested extension will affect the trial date or any other deadline set forth in this timeline. Failure to include such a statement may be grounds for denial of the motion without further warning. The Scheduling Order is modified as follows: (1) all discovery, including expert discovery, shall be completed on or before 11/19/15; (2) a mediator must be selected on or before 11/23/15; (3) all Daubert, summary judgment, and other dispositive motions must be filed on or before 12/14/15 (in the event that there are any unresolved discovery motions pending fifteen days prior to this date, the moving party shall immediately advise the Court of all such unresolved motions together with their status); (4) mediation shall be completed on or before 1/21/16; (5) all pretrial motions and memoranda of law, such as motions in limine, must be filed on or before 2/5/16; (6) joint pretrial stipulation must be filed on or before 3/1/16; (7) proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law must be filed on or before 3/14/16; (8) proposed voir dire questions must be filed on or before 3/16/16; (9) deposition designations must be filed on or before 3/17/16. The Court's Scheduling Order shall otherwise remain in full force and effect and, absent compelling circumstances, this schedule shall not be modified. This Order shall affect no other deadlines. Signed by Judge Jose E. Martinez on 9/10/2015. (jht) (Entered: 09/10/2015)
09/10/2015	132	PAPERLESS ORDER denying 120 Defendants' Motion for Expedited Status Conference Before Judge Martinez. Signed by Judge Jose E. Martinez on 9/10/2015. (jht) (Entered: 09/10/2015)
09/10/2015	133	SUPPLEMENT to 119 Notice of Supplemental Authority,, <i>Plaintiff's Opposition to Defendants' Notice of Supplemental Authority</i> by DENNIS L.

		MONTGOMERY (Attachments: # 1 Exhibit 1, # 2 Exhibit 3)(Klayman, Larry) (Entered: 09/10/2015)
09/11/2015	134	ENDORSED ORDER re 129 Order granting motion to appear telephonically. Counsel shall contact the Court through the following call-in procedures: 1. Dialing 1-888-684-8852; 2. Entering Access Code Number 8004594, followed by the # sign; and 3. Entering Security Code Number 1213, followed by the # sign. No cellular telephone use is permitted. Signed by Magistrate Judge Jonathan Goodman on 9/11/2015. (tr00) (Entered: 09/11/2015)
09/11/2015	135	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 9/11/2015. (Digital 17:32:22.) (mso) (Entered: 09/11/2015)
09/14/2015		Reset Deadlines/Hearings Discovery due by 11/19/2015. Mediation Deadline 1/21/2016. Dispositive Motions due by 12/14/2015. In Limine Motions due by 2/5/2016. Pretrial Stipulation due by 3/1/2016. Calendar Call set for 3/17/2016 01:30 PM in Miami Division before Judge Jose E. Martinez. Jury Trial set for 3/21/2016 in Miami Division before Judge Jose E. Martinez. Per 131 Order (yha) (Entered: 09/14/2015)
09/15/2015	136	DISCOVERY HEARING ORDER re 135 Discovery Hearing on September 11, 2015. Signed by Magistrate Judge Jonathan Goodman on 9/15/2015. (tr00) (Entered: 09/15/2015)
09/15/2015	137	Notification of Ninety Days Expiring by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re 52 MOTION to Dismiss for Lack of Jurisdiction 44 Amended Complaint MOTION to Change Venue MOTION TO DISMISS 44 Amended Complaint FOR FAILURE TO STATE A CLAIM filed by HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN, HMH HOLDINGS, INC. (Toth, Brian) (Entered: 09/15/2015)
09/15/2015	138	SUPPLEMENT to 133 Supplement by DENNIS L. MONTGOMERY (Attachments: # 1 Exhibit 2)(Klayman, Larry) (Entered: 09/15/2015)
09/21/2015	139	Unopposed MOTION to Unseal re 117 MOTION to Seal by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 09/21/2015)
09/21/2015	140	RESPONSE/REPLY to 125 Response/Reply (Other), by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 09/21/2015)
09/22/2015	141	Clerks Notice to Filer re 139 Unopposed MOTION to Unseal re 117 MOTION to Seal . Sealed Document Filed Electronically ; ERROR - The Filer failed to file a document related to a sealed document in the conventional paper format. It is not necessary to refile the document but future documents relating a sealed filings must be filed in the conventional paper format in accordance with the CM/ECF Administrative Procedures. (nc) (Entered: 09/22/2015)
09/28/2015	142	

		NOTICE of Hearing by ATTORNEY: Miscellaneous Hearing set for 10/16/2015 04:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Toth, Brian) (Entered: 09/28/2015)
09/29/2015	143	OBJECTION to Limited Portions of Magistrate Judge 136 Order to District Court (Attachments: # 1 Exhibit Order Appealed From, # 2 Exhibit One example SEC Form 4 notice of trade, # 3 Exhibit Table listing HMHC trades, # 4 Exhibit Graph Showing Timeline of Trades, # 5 Exhibit SEC Form 10-Q of Houghton Mifflin Harcourt Company)(Klayman, Larry) Modified text on 9/30/2015 (jua). (Entered: 09/29/2015)
09/30/2015	144	SUPPLEMENT to 143 OBJECTION of Magistrate Judge 136 Order to District Court by DENNIS L. MONTGOMERY (Attachments: # 1 Exhibit 1) (Klayman, Larry) (Entered: 09/30/2015)
10/06/2015	145	TRANSCRIPT of Motion Hearing held on 9/11/2015 before Magistrate Judge Jonathan Goodman, 1-40 pages, Court Reporter: Carl Schanzleh, 305-523-5635. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/30/2015. Redacted Transcript Deadline set for 11/9/2015. Release of Transcript Restriction set for 1/7/2016. (Attachments: # 1 Designation Access Form)(amb) (Entered: 10/06/2015)
10/12/2015	146	Consent MOTION To Appear Telephonically at Hearing of October 16, 2015 re 142 Notice of Hearing by Attorney by Dennis L. Montgomery. (Attachments: # 1 Text of Proposed Order)(Klayman, Larry) (Entered: 10/12/2015)
10/13/2015	147	Unopposed MOTION for Leave to Appear <i>Telephonically at the Hearing Scheduled Before Judge Goodman on October 16, 2015, at 4:30 p.m.</i> . Attorney: <i>Laura R. Handman</i> by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. Responses due by 10/30/2015 (Attachments: # 1 Text of Proposed Order)(Toth, Brian) (Entered: 10/13/2015)
10/14/2015	148	ORDER Granting 139 Unopposed Motion to Unseal. The Clerk shall UNSEAL the notice of supplemental authority [ECF No. 118] and the exhibit to the notice of supplemental authority [ECF No. 118-1] Signed by Judge Jose E. Martinez on 10/13/2015. (nc) (Entered: 10/14/2015)
10/14/2015	149	ENDORSED ORDER granting 146 Unopposed Motion for Leave to Appear Telephonically; and granting 147 Unopposed Motion for Leave to Appear Telephonically. Counsel Laura Handman and Larry Klayman may appear telephonically at the Discovery Hearing scheduled for October 16, 2015 at 4:30 PM. The call-in procedure is as follows: Five minutes before the hearing time, counsel shall (1) dial 1-888-684-8852; (2) enter Access Code Number 8004594, followed by the # sign; and (3) enter Security Code Number 1213, followed by the # sign. No cellular telephone use permitted. Signed by Magistrate Judge Jonathan Goodman on 10/14/2015. (tr00) (Entered: 10/14/2015)
10/14/2015	150	

		CLERK'S NOTICE of Compliance by Unsealing 118 Notice of Supplemental Authority Concerning Defendants' Motion to Dismiss or Transfer pursuant to 148 Order (nc) (Entered: 10/14/2015)
10/16/2015	151	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 10/16/2015. (Digital 16:26:25.) (mso) (Entered: 10/16/2015)
10/16/2015	152	RESPONSE in Opposition re 143 OBJECTION of Magistrate Judge 136 Order to District Court filed by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. Replies due by 10/26/2015. (Attachments: # 1 Exhibit, # 2 Exhibit)(Toth, Brian) (Entered: 10/16/2015)
10/19/2015	153	NOTICE by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen <i>of Filing E-mail Exchange between Defendants' Counsel and the FBI</i> (Attachments: # 1 Exhibit 1) (Toth, Brian) (Entered: 10/19/2015)
10/19/2015	154	POST-DISCOVERY HEARING ADMINISTRATIVE ORDER. Signed by Magistrate Judge Jonathan Goodman on 10/19/2015. (tr00) (Entered: 10/19/2015)
10/20/2015	155	NOTICE by Dennis L. Montgomery re 154 <i>Order Of Filing And Consent Motion For Extension Of Time To File Motion To File Under Seal</i> (Attachments: # 1 Exhibit 1, # 2 Text of Proposed Order) (Klayman, Larry) (Entered: 10/20/2015)
10/21/2015	156	MOTION for Leave to File Seal Dennis Montgomery (Attachments: # 1 (See Supplemental Attachment(s) for Sealed Exhibits)(nc) (Entered: 10/21/2015)
10/21/2015	157	Clerk's Notice of Filing Deficiency Re: 156 MOTION to Seal. Document(s) missing required original signature(s) (Fed.R.Civ.P. 11(a)). (nc) (Entered: 10/21/2015)
10/21/2015	158	SUPPLEMENT to 155 Notice (Other) by Dennis L. Montgomery (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Klayman, Larry) (Entered: 10/21/2015)
10/22/2015	159	MOTION for Leave to File Under Seal by Dennis Montgomery (Attachments: # 1 (See Supplemental Attachment(s) for Sealed Exhibits)(nc) (Entered: 10/22/2015)
10/22/2015	160	SECOND MOTION for Leave to File Under Seal by Dennis Montgomery (nc) (Additional attachment(s) added on 10/22/2015: # 1 Exhibit 1, # 2 Exhibit 2) (nc). (Entered: 10/22/2015)
10/22/2015	161	Clerk's Notice of Filing Deficiency Re: 160 MOTION to Seal, 159 MOTION to Seal. Document(s) missing required original wet signature(s) (Fed.R.Civ.P. 11(a)). (nc) (Entered: 10/22/2015)
10/23/2015	162	ENDORSED ORDER re Plaintiff's Motions for Leave to File Under Seal [ECF Nos. 156 ; 159 ; 160]: Defendants shall, by October 30, 2015, file an omnibus response of no more than five double-spaced pages, excluding signature block and certificate of service. Plaintiff may, by November 4, 2015, file an omnibus

		optional reply of no more than two double-spaced pages, excluding signature block and certificate of service. Signed by Magistrate Judge Jonathan Goodman on 10/23/2015. (tr00) (Entered: 10/23/2015)
10/24/2015	163	TRANSCRIPT of Discovery Hearing held on 10/16/2015 before Magistrate Judge Jonathan Goodman, 1-52 pages, Court Reporter: Stephen Franklin, 561-514-3768 / Stephen_Franklin@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/19/2015. Redacted Transcript Deadline set for 11/27/2015. Release of Transcript Restriction set for 1/25/2016. (sf) (Entered: 10/24/2015)
10/26/2015	164	OBJECTION of Magistrate Judge 154 Order to District Court <i>and Request to Stay</i> (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10)(Klayman, Larry) (Entered: 10/26/2015)
10/27/2015	165	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 11/4/2015 02:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Klayman, Larry) (Entered: 10/27/2015)
10/28/2015	166	MEMORANDUM of Law <i>in Support of Their Motion for Sanctions</i> by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6)(Toth, Brian) (Entered: 10/28/2015)
10/30/2015	167	RESPONSE in Opposition re 156 MOTION to Seal, 160 MOTION to Seal, 159 MOTION to Seal filed by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. Replies due by 11/9/2015. (Toth, Brian) (Entered: 10/30/2015)
11/02/2015	168	Joint MOTION for Leave to Appear <i>Telephonically at November 4, 2015, Hearing Before Judge Goodman</i> . Attorney: <i>Larry E. Klayman and Micah J. Ratner</i> by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. Responses due by 11/19/2015 (Attachments: # 1 Text of Proposed Order)(Toth, Brian) (Entered: 11/02/2015)
11/02/2015	169	<p>ENDORSED ORDER granting 168 Motion for Leave to Appear Telephonically at Discovery Hearing on November 4, 2015. The call-in procedure is as follows: Five minutes before the hearing time, counsel shall (1) dial 1-888-684-8852; (2) enter Access Code Number 8004594, followed by the # sign; and (3) enter Security Code Number 1213, followed by the # sign. No cellular telephone use permitted.</p> <p>However, the parties shall note the following: When counsel's office called the Undersigned's chambers to schedule this hearing, it was noted that the Court's general policy is that for any discovery hearing expected to last more than 30 minutes, the Undersigned expects all counsel to appear in person. It is difficult to predict with certainty whether the issues flagged for the hearing will last more than 30 minutes, but, if the parties predict that more than 30 minutes is needed, then they shall appear in person or reschedule the hearing. If the</p>

		parties appear by telephone, then the Court will end the hearing after 30 minutes, whether we have completed all the issues or not. Signed by Magistrate Judge Jonathan Goodman on 11/2/2015. (tr00) (Entered: 11/02/2015)
11/02/2015	170	NOTICE by Dennis L. Montgomery re 166 Memorandum, <i>Praecipe</i> (Klayman, Larry) (Entered: 11/02/2015)
11/03/2015	171	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 11/4/2015 02:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Klayman, Larry) (Entered: 11/03/2015)
11/04/2015	172	NOTICE by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen re 171 Notice of Hearing by Attorney of <i>Objection</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E) (Toth, Brian) (Entered: 11/04/2015)
11/04/2015	173	NOTICE by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen re 165 Notice of Hearing by Attorney of <i>Filing Order Denying Motion to Compel Compliance with Subpoena to Michael Flynn</i> (Attachments: # 1 Order Denying Motion to Compel Compliance with Subpoena to Michael Flynn) (Toth, Brian) (Entered: 11/04/2015)
11/04/2015	174	Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 11/4/2015. APPEARANCES: For Defendants: Laura Handman, Micah Ratner, Brian Toth. For Plaintiff: Larry Klayman (Digital 14:27:31.) (rby) (Entered: 11/05/2015)
11/05/2015	175	POST-DISCOVERY HEARING ADMINISTRATIVE ORDER re November 4, 2015 Discovery Hearing. Signed by Magistrate Judge Jonathan Goodman on 11/5/2015. (tr00) (Entered: 11/05/2015)
11/12/2015	176	RESPONSE/REPLY to 164 OBJECTION of Magistrate Judge 154 Order to District Court <i>and Request to Stay</i> by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Toth, Brian) (Entered: 11/12/2015)
11/16/2015	177	TRANSCRIPT of Discovery Hearing held on 11/4/2015 before Magistrate Judge Jonathan Goodman, 1-34 pages, Court Reporter: Bonnie Joy Lewis, 954-985-8875. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/10/2015. Redacted Transcript Deadline set for 12/21/2015. Release of Transcript Restriction set for 2/19/2016. (Attachments: # 1 Designation Access Form)(amb) (Entered: 11/16/2015)
11/16/2015	178	MEMORANDUM in Opposition re 166 Memorandum, <i>For Motion for Sanctions</i> by Dennis L. Montgomery. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11)(Klayman, Larry) (Entered: 11/16/2015)
11/17/2015	179	ENDORSED ORDER re 166 Memorandum, filed by James Risen, Houghton Mifflin Harcourt Publishing Company, HMH Holdings, Inc.

		Defendants may by November 30, 2015 file an optional reply (of up to 10 double-spaced pages) in further support of their sanctions motion [ECF No. 166], replying to Plaintiff's opposition [ECF No. 178]. Signed by Magistrate Judge Jonathan Goodman on 11/17/2015. (JG) (Entered: 11/17/2015)
11/17/2015	180	MOTION for Leave to File Under Seal by Dennis Montgomery (nc) (Additional attachment(s) added on 11/17/2015: # 1 Exhibit A, # 2 Exhibit A cont'd, # 3 Exhibit A cont'd, # 4 Exhibit B) (nc). (Entered: 11/17/2015)
11/17/2015	181	MOTION for Extension of Time To Reset Discovery Deadline by Dennis L. Montgomery. Responses due by 12/4/2015 (Attachments: # 1 Exhibit 1, # 2 Text of Proposed Order)(Klayman, Larry) (Entered: 11/17/2015)
11/19/2015	182	SUPPLEMENT to 181 MOTION for Extension of Time To Reset Discovery Deadline by Dennis L. Montgomery (Attachments: # 1 Exhibit 1, # 2 Exhibit 2 (part 1), # 3 Exhibit 2 (part 2))(Klayman, Larry) (Entered: 11/19/2015)

PACER Service Center			
Transaction Receipt			
11/21/2015 11:12:55			
PACER Login:	km0393:2582106:0	Client Code:	WME-Bennett
Description:	Docket Report	Search Criteria:	1:15-cv-20782-JEM
Billable Pages:	19	Cost:	1.90

B

With IMG Deal, WME Surpasses CAA in Size - But at What Cost?

thewrap.com

With IMG Deal, WME Surpasses CAA in Size – But at What Cost?

| By [Sharon Waxman](#) and [Lucas Shaw](#) on December 18, 2013 @ 3:34 pm

The combined forces of WME and IMG create the largest agency in the space

With WME's acquisition of sports behemoth IMG on Wednesday, the Hollywood agency landscape has undergone a seismic change overnight — one that catapults the No. 2 talent representative past its rival CAA to become the largest in the industry.

The combined forces of WME (focused on Hollywood talent deals) and IMG (the largest sports agency in the world) creates the largest agency on the sports and entertainment landscape when measured by annual revenue and number of employees.

But at what cost?

Like Endeavor's 2009 takeover of William Morris, this is the minnow swallowing the whale — only more so. WME paid \$2.4 billion for IMG, far more than either agency is worth.

When private equity firm TPG Capital invested \$350 million in CAA in 2010, it valued the agency at more than \$1 billion.

Media reports put CAA's revenues at about \$300 million in 2010, and it has grown significantly since then. WME's current annual revenue falls shy of that, but not if you factor in IMG's annual revenue, which is north of \$1 billion.

In the area where the two agencies compete head to head – the entertainment industry — CAA remains dominant, with more major stars and talent in its stable than WME. CAA also surpasses IMG in negotiating athletes on-field deals, an area where Forbes recently ranked them first by a [wide margin](#).

Yet IMG is dominant in marketing and licensing deals for college sports, where CAA does not compete. It also has a robust business in sports television production, event management and fashion.

The combined WME-IMG will have more than 3,000 employees in cities around the world, compared with CAA's 1,500.

To carry the biggest stick on the block, WME's [Ari Emanuel](#) has had to borrow an estimated \$1 billion, leveraging the company in a way that will have huge ramifications for its agents and clients.

Much of the new company's annual cash flow will need to go to servicing that debt, meaning WME may have to divert money it makes representing [Christopher Nolan](#) and The Rock to finance the deal.

"They get one day to thump their chest, but they paid a lot for the privilege of thumping their chest," a prominent industry executive told [TheWrap](#).

Debt of that magnitude will exert tremendous pressure on WME's other businesses, namely its entertainment divisions.

"There will be a lot of partners and agents who are going to make a lot less money," the individual said.

“Some will wrap their head around getting equity in a bigger thing and decide it’s a good trade. But there will be a lot of people who make less for a long period of time.”

Some senior agents will have to decide whether they want to be agents or executives at a media company. Talent representation constitutes less than 10 percent of IMG’s business, and while WME says the two businesses will remain separate for now, some WME agents will certainly move over to IMG.

And while IMG is still growing, most consider it a mature company.

It may all be worth it to an ambitious builder who has been so focused on beating CAA that he wallpapered the Century City mall with [a mocking message earlier this year](#). Emanuel and his partner [Patrick Whitesell](#) have been locked in an arms race with CAA since the merger of Williams Morris and Endeavor in 2009.

“From WME’s perspective, it’s hard to grow beyond just an agency,” an executive familiar with IMG’s books told TheWrap. “IMG is an opportunity to get global in terms of scale and relevance. The challenging part is attention could be diverted from the core business. They have never run businesses like this.”